

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**RE: THE SPECIFICATION**

The specification has been amended to correct a minor informality. Specifically, in Table 1 on page 11, the value "0.187" in the rightmost column in the row designated "Example" has been changed to "0.289" to provide a correct mathematical equation since subtraction of the number in column B (-0.051) from the number in column A (0.238) equals 0.289 and not 0.187 as previously set forth. Clearly, no new matter has been added, and it is respectfully requested that the amendment to the specification be approved and entered.

**RE: THE CLAIMS**

Claim 1 has been amended to include the subject matter of claims 2 and 3, and claims 2, 3, 5 and 6 have been canceled.

In addition, claims 1 and 4 have been amended to make some minor grammatical improvements and to correct some minor antecedent basis problems, and claims 7 and 8 have been added.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

RE: THE PRIOR ART REJECTION

Claim 1 was rejected under 35 USC 102 as being anticipated by USP 2,109,287 ("Elkington"), and claims 2, 4 and 5 were rejected under 35 USC 103 as being obvious over Elkington.

Claim 1 has been amended to include the subject matter of claim 3 which was not rejected in view of Elkington. Therefore, it is respectfully submitted that the Examiner's rejections of the claims in view of Elkington has been overcome and should be withdrawn.

RE: THE DOUBLE PATENTING REJECTION

Claims 1-6 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of USP 6,953,301 ("Koga et al").

This rejection, however, is respectfully traversed because amended claims 1 and 4 (and new claims 7 and 8) include at least one feature which renders them patentably distinct from claims 1-5 of Koga et al.

Specifically, amended independent claim 1 of the present application is directed to an underground structure cover comprising a cover body and a receiving frame wherein an inclined surface formed at an outer circumference of the cover body meets an inclined surface formed at an inner circumference of the receiving frame, the inclined surface of the outer circumference

of the cover body and the inclined surface of the inner circumference of the receiving frame each include an upper inclined surface and a lower inclined surface, and in each of the cover body and the receiving frame, the lower inclined surface is steeper than the upper inclined surface.

An advantage of the lower inclined surfaces of each of the cover body and receiving frame being steeper than the upper inclined surfaces thereof is that since the receiving frame usually has a higher rigidity at its lower region provided with the lower inclined surface than at the upper region close to the opening, the cover body can be appropriately fitted in and supported by the receiving frame by allowing the cover body to wedge into the receiving frame at the lower inclined surface thereby preventing the cover body from wobbling or riding up (see the disclosure in the specification at page 4, line 33 to page 5, line 8 and page 9, line 30 to page 10, line 13).

Claims 1-5 of Koga et al, by contrast, are directed to a cover assembly for a utility access hole including a support frame having a circumferential wall defining a central hole and a rounded cover removably fitted into an upper portion of the central hole of the support frame. And claims 1-5 of Koga et al do not include the feature of lower inclined surfaces in each of the cover and support frame being steeper than upper inclined surfaces thereof as according to the claimed present invention.

Accordingly, it is respectfully submitted that Koga et al does not disclose or suggest the construction of the lower and upper inclined surfaces of the cover and support frame having a particular relative steepness to facilitate placement of the cover into engagement with the support frame, in the manner of the claims present invention, and it is respectfully submitted that claims 1, 4, 7 and 8 of the present application are patentably distinct from claims 1-5 of Koga et al. And it is therefore respectfully requested that the double patenting rejection be withdrawn.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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